(5)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.2778 of 2006

Petitioner

Dutta & Dutta
Cloth Merchant
12, Sada Complex
Haldi Badi (Chirmiri)
Distt. Korea (C.G.)

Versus

Respondents

1. South Eastern Coal Fields Ltd.,
   Through – Chief General Manager
   Hasdeo Area, Distt. Korea (C.G.)
2. The Staff Officer (Material Manager)
   Hasdeo Area, Distt. Korea (C.G.)
3. Arora & Company
   Main Road, Manendragarh
   Distt. Korea (C.G.)

Present : Shri N. Naha Roy, learned counsel for the petitioner.
Shri Abhishek Sinha, learned counsel for the respondents No. 1 & 2.

ORAL ORDER
(Passed on 20.7.2006)

The petitioner and the 3rd respondent have submitted their tenders in response to the tender notification dated 15-12-2006 issued by the 2nd respondent for supply of cloths for uniform of their workmen. The 2nd respondent awarded the contract to the 3rd respondent on 04-05-2006. This writ petition was presented in this Court on 13-06-2006 calling in question the action of the 2nd respondent awarding contract in favour of the 3rd respondent. This Court issued notices to the respondents on 16-06-2006. The respondents No. 1 & 2 put in appearance through their standing counsel and have filed their return. In the return, it is stated that in terms of the contract awarded to the 3rd respondent, the 3rd respondent had already supplied clothes for uniform for the workmen of the 1st respondent factory.

(2) I am of the considered opinion that there was serious latches on the part of the petitioner in moving this Court. It needs to be noticed that in certain circumstances even few weeks or few days delay would be fatal and that would be a justification for the Court to refuse relief to a writ applicant. This is one such case. I say this, because, on 04-05-2006 itself, the petitioner knew that the contract was awarded to the 3rd respondent to supply cloths in bulk for providing uniform to the workmen of the first respondent factory and therefore, without any loss of time he ought to have moved this Court for relief. The second weighty reason which weighed with the Court not to grant relief is the fact that at this stage granting any relief to the petitioner would not arise. When this was pointed out to the learned counsel for the petitioner, learned counsel would still maintain that legality of the action of the 2nd respondent should be decided in the present writ petition. The request is not acceptable to this Court. This Court under Article 226 of the Constitution does not undertake adjudication of any issue as an academic pursuit. The Court considers and decides an issue on merit only for granting relief to an aggrieved party. When the Court knows pretty well that no relief could be granted to the petitioner, the Court deciding any issue as an academic pursuit is unnecessary. For all these reasons, I refuse to entertain this writ petition and dismiss the same. No costs.

Sd/-
Chief Justice

Kamde